GOVERNMENT OF INDIA
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
LOK SABHA

STARRED QUESTION NO:261
ANSWERED ON:21.03.2017
Misleading Advertisements
Mondal Shri Sunil Kumar;Singh Shri Uday Pratap

Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether the Government is aware of false/misleading advertisements rapidly growing all over the country and if so, the details thereof and the corrective steps taken by the Government in this regard; and
(b) the mechanism put in place to check misleading advertisements especially in print and electronic media?

Answer

THE MINISTER OF
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI RAM VILAS PASWAN)

(a) & (b) : A Statement is laid on the Table of the House.

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STATEMENT REFERRED IN REPLY TO PARTS (a) & (b) OF LOK SABHA STARRED QUESTION NO.*261 FOR 21.03.2017 REGARDING MISLEADING ADVERTISEMENTS.

(a) : Yes, Madam. A number of false/misleading advertisements come through various media. There are a number of legislations that have provisions to deal with misleading claims and advertisements made by companies regarding their products which include:

(i) The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954(Ministry of Health)
(ii) Food Safety and Standards Act, 2006 (Ministry of Health)
(iii) The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Ministry of Health)
(iv) Consumer Protection Act, 1986
(v) Advertisement aired on private satellite TV channels are regulated under the Advertising Code prescribed in rules framed under Cable Television Network (Regulation) Acts 1995.

In so far as the Department of Consumer Affairs is concerned, the Consumer Protection Act, 1986 has been enacted to better protect the interests of the consumers. Section 2 (1) (r) of the existing Consumer Protection Act 1986 provides that the practice of making any statement, whether orally or in writing or by visible representation which falsely represents that the goods are of a particular standard, quality, quantity, grade, composition style or model; falsely represents that the services are of a particular standard, quality or grade, falls under unfair trade practices. A consumer can make a complaint against unfair trade practice in a Consumer Forum established under the Consumer Protection Act, 1986. If the complaint is upheld by the Forum, it can order, inter alia, for removal of the defect pointed out, replacing the goods with new goods free from any defect, issuance of corrective advertisement to neutralize the effect of misleading advertisement at the cost of the opposite party responsible for issuing such misleading advertisement, etc.

Further, to ensure inter-ministerial coordination, an Inter-Ministerial Monitoring Committee has been established in 2014 under the Chairmanship of the Additional Secretary, Consumer Affairs, which monitors the redressal of complaints received on a portal "Grievances Against Misleading Advertisements (GAMA)" launched to enable consumers to register their complaints against false/misleading advertisements. From March, 2015 till date, a total of 3220 complaints have been registered on the portal. Of the complaints received, 1683 complaints have been resolved and 715 complaints rejected.

(b) : Besides the Inter-ministerial Monitoring Committee constituted by the Department of Consumer Affairs to protect the consumers, it has been informed by the Ministry of Information and Broadcasting that as per the existing regulating framework, all programmes and advertisements telecast on TV channels and transmitted/retransmitted through the Cable TV network are required to adhere to the programme and Advertising Codes prescribed under the Cable TV Networks (Regulation) Act, 1995 and Rules framed thereunder. The Ministry of Information and broadcasting has constituted an Inter-Ministerial Committee (IMC) to look into the specific complaints or suo-moto take cognizance against violations of the Programme and Advertising Codes in respect of private satellite TV channels. IMC is a recommendatory Body. Appropriate action is taken as per CTN Act, 1995 if any violation of the said code is established. The Advertising Standards Council of India (ASCI), a voluntary self-regulatory body of Advertisement Industry, self-regulates advertising content to monitor and decide on complaints against objectionable advertisements.

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